

1 LAW OFFICES OF JOHN L. BURRIS  
2 JOHN L. BURRIS, ESQ. (SBN 69888)  
3 STEVEN R. YOURKE, ESQ. (SBN 118506)  
4 7767 Oakport St., Suite 1120  
Oakland, Ca. 94621  
5 Email: [Steven.yourke@johnburrislaw.com](mailto:Steven.yourke@johnburrislaw.com)  
Phone: (510) 839-5200

6 Attorneys for Plaintiffs

7 JOHN A. RUSSO, City Attorney (SBN 129729)  
8 RANDOLPH W. HALL, Chief Asst. City Atty. (SBN 080142)  
9 WILLIAM E. SIMMONS, Supervising Trial Atty. (SBN 127246)  
JENNIFER N. LOGUE, Deputy City Atty. (SBN 241910)  
One Frank H. Ogawa Plaza, 6th Floor  
10 Oakland, California 94612  
Telephone: (510) 238-6524  
11 Email: [jlogue@oaklandcityattorney.org](mailto:jlogue@oaklandcityattorney.org)

12 Attorneys for Defendants

13 IN THE UNITED STATES DISTRICT COURT FOR THE  
14  
15 NORTHERN DISTRICT OF CALIFORNIA

16 JOSE BUENROSTRO, SR., et al.,

17 CASE NO. 009-00786 JSW

18 Plaintiffs,

19 STIPULATION AND ~~PROPOSED~~ ORDER  
EXTENDING EXPERT DISCLOSURE AND  
DISCOVERY DEADLINE

20 VS.

21 CITY OF OAKLAND, et al.

22 Defendants.

23 \_\_\_\_\_ /

24  
25 The parties to the above captioned litigation hereby stipulate and respectfully request, by and  
26 through their undersigned counsel, that the current expert disclosure deadline of February 2, 2010 and  
27 expert discovery cutoff date of March 4, 2010 be extended to March 2, 2010 and April 20, 2010  
28 respectively. Good cause exists for the requested extension on the following grounds.

1        This action arises from the shooting death of a fourteen year old boy, Jose Buenrostro, Jr., on  
2 March 19, 2008, by Oakland police officers. Plaintiffs, the Decedent's parents, sue for violation of  
3 civil rights (42 U.S.C. section 1983) on the grounds that the shooting was unreasonable. Defendants  
4 City of Oakland and three involved police officers claim that the shooting was justified.

5        The parties have been granted a 30-day extension of time to February 18, 2010 to complete  
6 the depositions of certain non-party witnesses. The current expert disclosure date requires the parties  
7 to disclose expert reports before they have completed the depositions of lay witnesses, some of whom  
8 may have information crucial to the assessment of whether or not the shooting was justified.

9        Therefore, the parties expert reports would not be complete to the extent that the experts will not have  
10 had the benefit of reviewing the testimony of all potential fact witnesses.

11       Additionally, the parties would like to attempt to settle this matter prior to assuming the costs  
12 of expert depositions. Mediation is currently scheduled to take place on March 22, 2010.

13       The requested extension of time would enhance the prospects of settlement by allowing the  
14 parties to have the benefit of complete expert reports without having to assume the costs expert  
15 depositions prior to mediation. No parties will be prejudiced by the extension. Nor would the pretrial  
16 or trial dates set by the court in this action need to be modified.

18       Dated: January 28, 2010

19       LAW OFFICE OF JOHN L. BURRIS

21       /s/ Steven R. Yourke  
22       Steven R. Yourke  
23       John L. Burris  
24       Attorney's for Plaintiffs

25       Dated: January 28, 2010

26       OAKLAND CITY ATTORNEY

28       /s/ Jennifer Logue  
29       Jennifer Logue,  
30       Deputy City Attorney  
31       Attorney for All Defendants

## ORDER

**IT IS HEREBY ORDERED** that the parties request to extend the deadline for expert disclosures to March 2, 2010 and the expert discovery cutoff date to April 20, 2010 is GRANTED.

IT IS SO ORDERED.

Dated: January 29, 2010

*Jeffrey S White*  
JUDGE OF THE DISTRICT COURT